

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JAMISI JERMAINE CALLOWAY,

Plaintiff,

v.

YOUSSEE, *et al.*,

Defendants.

Case No. 1:21-cv-01450-JLT-BAM (PC)

ORDER DISCHARGING NOVEMBER 18,
2022 ORDER TO SHOW CAUSE

(ECF No. 48)

Plaintiff Jamisi Jermaine Calloway (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s first amended complaint against Defendants Y. Rao, Del Pilar, H. Diaz, T. Loar, and H. Smuzynski for deliberate indifference to serious medical needs in violation of the Eighth Amendment when they released Plaintiff from a suicide crisis bed, and against Defendants D. A. Lopez and M. Cuevas for deliberate indifference to serious medical needs in violation of the Eighth Amendment when they failed to intervene during Plaintiff’s two suicide attempts.

On June 21, 2022, the Court directed electronic service on all defendants. (ECF No. 25.) On July 29, 2022, the Court received information that Defendant Rao could not be electronically served. On September 19, 2022, the United States Marshal filed a return of service USM-285 form showing charges of \$363.00 for effecting personal service on Defendant Rao. (ECF No. 43.) The form shows that a waiver of service form was mailed to Defendant Rao on August 2,

2022. (*Id.*)

Pursuant to the Court's Order, Defendant Rao is required to return the waiver to the United States Marshal and the filing of an answer or a motion does not relieve her of this obligation. Defendant Rao did not return a waiver, which resulted in the execution of personal service on September 16, 2022.

Defendant Rao, together with the other named Defendants, filed an answer on November 18, 2022. (ECF No. 47.)

On November 18, 2022, the Court issued an order providing Defendant Rao an opportunity to show good cause for failing to waive service or to reimburse the United States Marshals Service for the costs incurred in effecting personal service. (ECF No. 48.) In a response filed December 20, 2022, Defendant Rao stated that her attorneys have mailed a check to the U.S. Marshal's Office for \$363 to pay for the cost of personally serving her with process. (ECF No. 51.)

Accordingly, the November 18, 2022 order to show cause, (ECF No. 48), is HEREBY DISCHARGED.

IT IS SO ORDERED.

Dated: December 21, 2022

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE